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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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08/781,296

01/13/1997

JOHN B. HARLEY

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EXAMINER

CLOW, LORI A

ART UNIT

PAPER NUMBER

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MAIL DATE

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* JOHN B. HARLEY  
and  
JUDITH A. JAMES

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Application 08/781,296  
Technology Center 1600

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Mailed: March 24, 2009

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Before PAMELA S. BENNETT, *Review Team Paralegal*.

BENNETT, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on September 29, 2008. A review of the Image File Wrapper (IFW) revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

**EXAMINER'S CONSIDERATION OF REPLY BRIEF**

A Reply Brief was filed in this application on March 1, 2007. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR § 41.43(a)(1) (2006) and the *Manual of Patent Examining Procedure* (MPEP) § 1208, part II (Eighth Edition, Rev. 5, August 2006).

**CONCLUSION**

Accordingly, it is **ORDERED** that the application be returned to the Examiner:

- 1) to consider the Reply Brief filed March 1, 2007; and
- 2) for such further action as may be required.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

PSB

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